

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, OCTOBER 1, 2003**

Members present: Alan Peltz, Chris Dorworth, Ben Tucker, Beth Hattaway, Dudley Bates

Members absent: Thomas Mahoney, Richard Harris

Also present: Tony Matthews, Principal Planner; Mike Rumer, Planner; Cynthia Sweet, Planner; Jeff Hopper, Senior Planner; Tony Walter, Principal Planner; Matthew West, Planning Manager; Candace Lindlaw-Hudson, Senior Staff Assistant; and Karen Consalo, Assistant County Attorney; Jim Potter, Development Review Division.

The meeting was called to order at 7:05 P.M. by Chairman Tucker. The Chairman introduced the method by which the voting was to be conducted and procedures followed to conduct the meeting.

Commissioner Hattaway made a motion to accept the proof of publication.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent.

The minutes of the previous meeting were accepted as circulated with unanimous approval.

OLD BUSINESS

A. Pacific Atlantic; Cayetano R. & Cristeta M. Cruzada, applicants; approximately 0.27 acre; Rezone from A-1 (Agriculture) to RP (Residential-Professional); east side of Tuskawilla Road, 650 feet north of Dikey Road; (Z2002-029).

Commissioner Maloy - District 1

Jeff Hopper, Senior Planner

Jeff Hopper introduced the Pacific Atlantic application by reviewing the staff report and findings. Mr. Hopper stated that parking and traffic circulation have been key focuses of this item. The proposed layout will allow for turn-arounds on the property so that patrons will not have to back out onto Tuskawilla Road, which had been a major concern of Development Review. There will be four stacked parking spaces on the east side of the site to allow for maneuvering of cars. There will be 10 parking spaces, rather than the Code required 12 spaces. Mr. Hopper explained that the RP zoning is intended to allow conversion of homes to office uses, and some criteria may not be met. The application may be

approved if compatibility, safety, and other concerns are satisfied. Staff is recommending approval of the application with the following conditions: the site is limited to general office use, with dental or medical offices not permitted; stacked parking spaces will be limited to four and limited to employee use; and no more than five employees be present on the site at any time.

The applicant had no comments for the Board.

No one spoke from the audience.

The public hearing was closed.

Chairman Tucker asked Mr. Hopper to review the previous vote on this property and why it was appearing before the Board again.

Mr. Hopper stated that the item had begun last fall as a land use amendment and rezone. The site plan was delayed, so the land use amendment went through alone, without the rezone. The Board of County Commissioners at the same time administratively designated three nearby parcels as Office also. Tonight the applicant is submitting a zoning request with a site plan that allows the office use.

Commissioner Tucker stated that previously neighbors had objected to the proposed use because of ingress and egress problems and issues with the parking on the site. He asked Mr. Hopper if the stacked parking was effective and was it being used elsewhere in Seminole County.

Mr. Hopper stated that his knowledge of this type of use was limited and he did not have any knowledge of it being used elsewhere in the County.

Commissioner Tucker then asked Matt West if he knew of any such parking uses in the County.

Mr. West stated that there was some "tandem" parking allowed in front of garages in an apartment complex on US17-92 and at a Porsche dealership as well. This request is providing additional opportunities for parking. In other cases, the parking requirements could not be met, as with the Zelman application, in which case the requirements were waived. This is better than nothing. The possibility of removing the garage and using the space for turn-arounds was considered, but traffic engineering did not want 2 means of accessing the road from the site by using the adjacent road.

Commissioner Hattaway asked how the capping of the employees present to five at any given time was to be monitored.

Mr. West stated that the only way would be on a complaint basis, if someone asked the County to go out and look.

Commissioner Hattaway asked about adjacent uses.

Mr. Hopper identified Madison Place, a Baptist church and some private residences in the area across from the site.

Commissioner Dorworth asked about current parking problems.

The applicant stated that there were no problems now.

Commissioner Bates asked what had removed the neighborhood objections.

Mr. Cayetano gave several examples of how his business had helped area residents recently.

Commissioner Dorworth made a motion to recommend approval of the application with all of the staff recommendations with the exclusion of B.

[Staff recommendation "B" states that double-loaded parking spaces shall be limited to a total of 4 and shall be for employee use only.]

Commissioner Peltz seconded the motion.

There was no discussion.

The vote was 3 – 2 in favor of the motion. Commissioner Tucker and Commissioner Hattaway voted "no."

NEW BUSINESS

B. Hawthorn Glen Townhomes PSP; Madden Engineering, applicant; approximately 45.97 acres; Preliminary Subdivision approval for 224 lots for townhomes, zoned PUD; located on Old Lockwood Road and McCulloch Road. (03-5500028)

Commissioner Maloy – District 1

Denny Gibbs, Planner

Michael Rumer presented this item to the Board. He stated that the subdivision plan required no waivers and the Staff was recommending approval.

There were no questions from the Board.

Commissioner Peltz made a motion to recommend approval of the application.

Commissioner Dorworth seconded the motion.

The motion passed with unanimous consent.

C. Lake Forest Section 14 (PSP); Lake Forest Orlando Joint Venture / Richard Bavec, applicant; approximately 23.176 Acres; Preliminary Subdivision Plan for a 38 Lot Single Family Residential Subdivision; located on the north side of SR 46 and the west side of South Oregon Street, west of I-4, in the Lake Forest PUD. (03-05500029)
Commissioner McLain – District 5
Cynthia Sweet, Planner

Ms. Sweet presented the application and stated that this site is part of the existing Lake Forest development. The PSP meets all necessary requirements; staff is recommending approval.

There were no questions from the Board.

Commissioner Dorworth made a motion to recommend approval of the request.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent.

D. Wilshire Townhomes PSP; Daly Design Group / Thomas Daly, applicant; approximately 13 acres; Preliminary Subdivision Plan for 130 lots; located on the southwest corner of SR 436 and Wilshire Boulevard. (03-05500022)
Commissioner Henley – District 4
Cynthia Sweet, Planner

Ms. Sweet presented the location of the application and stated that this PSP was being recommended for approval. Mr. Hopper would be presenting a small scale land use amendment for this site after her presentation.

Commissioner Dorworth made a motion to recommend approval of the request.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent.

E. Summerfield-PSP; Richard M. Labinsky, PE. / Al Ghandour, applicant; Approximately 20 acres; Preliminary Subdivision approval for a 50 lot, Single

Family Residence subdivision, zoned R-1A; north of 2nd Avenue, west of Avenue H in Chuluota.

Commissioner Maloy – District 1

Mike Rumer, Planner

Mr. Rumer explained that this item is a re-approval of the 50 residential lot subdivision on 20 acres zoned R-1A. Minimum lot size is 9,000 square feet and it will be accessed by private roads. A waiver has been requested from the Land Development Code requiring sidewalks on both sides of the road. This plan was originally approved in December of 2001. Mr. Rumer stated that Staff recommendation was for a 2-year extension of approval previously granted.

There were no questions from the Board.

Commissioner Bates made a motion to approve the request.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent.

F. Hester Oaks-PSP; Jim Cooper, applicant; approximately 18.61 Acres; Preliminary Subdivision approval for 40 Single Family Residential lots, zoned PUD; west side of Hester Avenue, ¼ mile south of CR 427. (03-5500030)

Commissioner McLain – District 5

Michael Rumer, Planner

Mr. Rumer stated that the typical lot size would be 8,150 square feet, internal roads will be maintained by Seminole County, and a waiver from the Seminole County requirement to have sidewalks on both sides of the road has been requested. Staff recommendation is for approval of the request for the waiver and the PSP.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent.

PUBLIC HEARING ITEMS:

G. Lake Boulevard / Casa Verde; Meredith Pickens/Shutts & Bowen, applicant; Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezoning from A-1 (Agriculture) to PCD

(Planned Commercial Development District) on approximately 2 acres and rezoning from PUD (Planned Unit Development) to PCD (Planned Commercial Development District) on approximately 0.8 acres to allow a commercial development at the southwest corner of CR 46A and Casa Verde Boulevard; and rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) on approximately 416.9 acres; amendment to the PUD Final Master Plan and Commitments, Classification and District Description for the Chase Groves PUD (Z2003-029; 09-03SS.06).

Commissioner McLain – District 5

Tony Matthews, Principal Planner

Mr. Matthews stated that the applicant is requesting approval of a Small Scale Land Use Amendment from Low Density Residential to Planned Development and rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development District) on approximately 2 acres; rezoning from PUD (Planned Unit Development) to PCD on approximately 0.8 acres; rezoning from PUD to PUD on approximately 416 acres; and amendment to the PUD Final Master Plan and Commitments, Classification and District Description for the Chase Groves PUD.

Mr. Matthews said that the proposed amendment and rezoning will allow for a 21,750 square foot neighborhood commercial development, which will allow those uses in the CN (Restricted Neighborhood Commercial District) zoning classification, in addition to banking and financial institutions with drive through facilities and site down restaurants. CN zoning is designed to serve areas of Seminole County that are predominantly residential in character but which require some neighborhood establishments and shops.

The applicant is proposing to remove 0.8 acres from the Chase Groves PUD to combine with the abutting 2 acres, not within the PUD, to allow the development direct access onto CR 46A. This 0.8 acre property is currently designated as Open Space (Tract A) within the Chase Groves PUD. Removal of this property from the PUD will not reduce the open space requirement of the Chase Groves development below the minimum 25 percent. Mr. Matthews noted that the current open space/recreation percentage within the PUD is approximately 32 percent.

Mr. Matthews said that the site is served by CR 46A, Casa Verde Boulevard and Lake Boulevard. Direct access into the site from CR 46A shall be right-in only. Access locations onto Lake Boulevard and Casa Verde Boulevard shall be a minimum of 200 feet from CR 46A.

CR 46A, an arterial roadway, is currently operating below the LOS standard of "E", but will be operating at an estimated LOS of "C" with improvements scheduled for 2006. Developer will be responsible for funding a fair share cost for future signalization at CR 46A and Casa Verde Boulevard, if warranted.

A review of the availability of public facilities to serve the project indicates that there would be adequate capacity to serve the site, and that the proposed Plan amendment and rezoning would create no adverse impacts to County public facilities.

Mr. Matthews concluded by stating that staff recommendation was for approval of the proposed Small Scale Land Use Amendment from Low Density Residential to Planned Development; rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development District); PUD (Planned Unit Development) to PCD; PUD to PUD; and amendment to the PUD Final Master Plan and Commitments, Classification and District Description for the Chase Groves PUD, located at the southwest corner of CR 46A and Casa Verde Boulevard, with findings contained within the staff report:

- A. Compatibility with surrounding uses can be achieved by applying the conditions set forth in the enclosed rezoning development order that addresses location criteria, size, design, access, buffering, lighting, and hours of operation.
- B. CN zoning is designed to serve areas of Seminole County that are predominantly residential in character but which require some neighborhood establishments and shops.
- C. The proposed use is within the allowable range of square footage for neighborhood commercial uses (i.e., not to exceed 75,000 square feet).
- D. Restaurants, whether sit down or drive through, would not be compatible with adjacent residential uses, due to potential noise and odor generated from patrons using outdoor seating for smoking, and therefore are not recommended.
- E. Developer will be responsible for funding a fair share cost for future signalization at CR 46A and Casa Verde Boulevard, if warranted by the County.
- F. Removal of the 0.8 acre property from the PUD will not reduce the open space requirement of the Chase Groves development below the minimum 25 percent.
- G. The proposed amendment to Planned Development and PCD rezoning do not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan (Vision 2020).

H. Planned Development future land use and PCD zoning use would be consistent with Plan policies identified at this time.

Mr. Matthews noted that the application will be heard by the Board of County Commissioners at 7 P.M. on November 18.

Mr. Matthews stated that the petitions, e-mails and letters received in opposition to this application are contained in the meeting packet the Board has tonight and they generally addressed the following concerns: concern for noise pollution, concerns for light pollution, excessive traffic, presence of trash and its attendant problems, crime, the project will not be compatible with the neighborhood, this project represents spot zoning, and if passed, the development should be limited to office.

Mr. Matthews said that there are 27 conditions placed on this project in the staff report.

Commissioner Tucker said that it is unnecessary to read the list. He asked Mr. Matthews about the status of improvements on CR 46A.

Mr. Matthews stated that the operational level of CR 46A is currently on a substandard level of operation. There are improvements scheduled for 2006, which would be compatible with this project and be at level of service "C."

Commissioner Tucker asked about the signalization near the project.

Mr. Matthews stated that the Chase Groves PUD has a signal in its plans for Casa Verde intersection, to be funded by the developer of the PUD, if warranted. Staff is also recommending that the current developer of this project be a contributor to the funding of the signal due to the nature of the application now under consideration.

Commissioner Tucker pointed out that the traffic engineering department had determined that the "C" level of service had already been reached and that this area should be signalized now. This was stated in a letter of April 22, 2003 from the County Engineering Office.

Ken Wright of Shutts and Bowen represented the owner, Dr. Hardwick. Mr. Wright stated that there had been a letter dated April 11th from the County Engineering Office stating that there had been a warrant issued for the signal on Casa Verde Boulevard and CR 46A. The property to the east is a client of Mr. Wright's and he stated that said property is due to become a shopping center. Part of the development plans for that shopping center includes the provision that the developer of the shopping center pay for the signal at the intersection. Prior to the BCC hearing the issue of this applicant paying part of the signal will be addressed.

Mr. Wright stated that the PUD to the west is owned by Seminole County and will be used in the widening of 46A.

Mr. Wright stated that the applicant has been working with the staff for a period of 4 to 6 months. Originally scheduled to be used for commercial projects it has been revised down to be neighborhood commercial. The point of such zoning is for the supplying of services to the neighborhood without having people access CR 46A or 17-92.

Mr. Wright stated that the rear setback is 100 feet and that there would be a 6 foot wall with landscaping on the southern side. There are stormwater and landscaping issues to be resolved before the presentation to the BCC. He reviewed the walls, setbacks and buffers being planned. Building designs will consider elements that will make the buildings compatible with the neighborhood. Mr. Wright pointed out that many newly developed housing plans incorporate neighborhood commercial zoning. The applicant has made many concessions on features of the plan being presented. Loch Arbor neighbors expressed concerns for potential cut through traffic. Mr. Wright stated that he had met with the district commissioner and the Traffic Engineering Department concerning possible alignment of traffic and traffic signals in the area of the application and that impact fees from the project could be applied to the development of the roads in the area.

Sharon Sullivan, of 290 Aldrop Way, spoke on behalf of the Chase Groves Homeowner's Association and its Architectural Review Board. She is opposed to the rezoning and has submitted a petition with over 380 signatures. She stated that the people of Chase Groves do not mind driving to other areas to buy things. Ms. Sullivan stated that the developer had contacted the Chase Groves Board on September 8. Mr. Wright said that the applicant has been working with the County for 4 to 6 months. The Chase Groves Board passed a resolution at its most recent meeting to oppose this application since it will adversely effect the single family homes in the area. The area is residential and has several new homes built that will back up to the proposed project. These homes were the highest priced homes in the Chase Groves development. There is no transitional zoning here. Development conditions would allow a 24 hour ATM which would be in the back yard of the neighbors. Lighting, buffers and setbacks are inadequate. Removing parcels from the Chase Groves DRI is also opposed by the Board. It is more than open space. There are 5 easements that run through the area that benefit the Chase Groves homes. Ms. Sullivan stated that the Chase Groves homeowners have not had adequate time to respond to this rezoning. She asked that the Board recommend denial, or if possible, table the request until later when the area homeowners can prepare a legal position.

John Lang, of 106 Brightview Drive, lives immediately adjacent to the site of the application to the south. He said that this project is very negatively impacting his

property values. He is also concerned with traffic and crime. He is very concerned with the quality of life. There will be light and noise pollution on his property. Mr. Lang said that his property rights should have precedence over the rezoning.

Jeff Swaitek, of 918 Delfino Place, Chase Groves, was also opposed. He is the treasurer of the Chase Groves HOA and a member of the ARB. The original agreement set forth areas for specific uses. People bought their properties believing that this property would be residential. There is no transitional buffer from the commercial to his residence. There is a bad traffic problem in the area already. He said there were no curb cuts planned for this area on the master plan for Chase Groves. There are numerous commercial sites within a short drive of the neighborhood. He requested denial of the request.

Alan Putzke, of 118 Brightview Drive, said that he had purchased the land in a deed restricted community which designated this parcel residential. This project threatens the quality of life and safety of his family. He is opposed. He asks denial. Traffic will be adversely affected by the rezoning. 20,000 square feet of commercial business space is not compatible with his home. He bought in good faith with this site designated residential.

Josh Bond, of 110 Brightview Drive, stated that he is opposed to the application. He bought his lot in August of 2001. He does not want a 32 foot high commercial building in his back yard. This project is incompatible with the residential uses in the area. No one minds driving a short distance to buy groceries or to go shopping. Traffic is seriously heavy now, with speeding cars. This will bring more traffic, stormwater problems that have not been solved, crime and garbage problems. Mr. Bond requested recommendation of denial.

Greg Chouinard, of 130 Brightview Drive, said that this project will be in his back yard. The quality of life of his family will be affected. A 6-foot wall will not be an adequate buffer from the light, odors, noise and other disturbing and polluting conditions. He requested recommendation of denial.

Nick Balevich, of 2715 Amaya Terrace, Lake Mary, stated that neighbors are being mistreated by this request. He said that this was a money-making scheme. It is unjust to allow this change. The County must enforce its policies. He expects build out in Seminole County in the near future.

John Kenlock, of 2532 Abacus Court, is opposed to the project. He stated that the property is part of a deed restricted community and it should be treated as such. No homeowner wants commercial property in their back yard. There will be hazards to the drivers and lighting, garbage, and noise issues, and numerous other objectionable factors that go along with this. He asks recommendation of denial.

Kathy Tieders, of 2686 Alamosa Drive, was concerned about the presence of the bus stop in the area of this proposed rezoning. She asked denial.

Bob White, of 300 Lake Boulevard, is the President of the Loch Arbor Homeowners Association. He presented the petition containing 214 signatures from the neighborhood of 260 homes. He stated that his neighborhood was opposed to the changes proposed in this application. He quoted policy FLU2.4 which permits development on the corner of a collector road. This is not such a place.

Dee Speirs, of 105 Sunset Drive, is opposed to this development. She stated that area residents had not had adequate notification or time to organize themselves.

Loch Arbor is the oldest neighborhood between Airport Boulevard and Rinehart Road. It would be a shame to rezone this area.

Tom Sheibenberger has lived at 401 Sunset Drive for 47 years. He is opposed to the rezoning. He reviewed area uses by pointing to the map on the overhead. Lake Boulevard has become a short cut to other areas. There are many children and adults who walk this road. More traffic will divert to Lake Boulevard to use the short cut if this project goes through. This is not smart development. No one has written it down that residential areas must have commercial uses next to them. He requested denial.

Charles Nawrocki, of 305 E. Crystal Drive, is also opposed to the request. He said that the site could become a good place for a large home. There are plenty of places within a short drive that provide the neighborhood shopping opportunities. He did not understand how this could be thought of as in keeping with "Florida's Natural Choice."

Philip Lee, of 411 Lake Boulevard, said that many Loch Arbor homes are built on multiple lots. He is opposed to this project. It does not add to the ambience of the neighborhood. Here, mutual trust and social conscience is being exchanged for personal profit. Dr. Hardwick is making a hefty personal profit from this. Mr. Bywater cannot make a profit keeping the property residential. We need to be protected from commerce in the sanctuary of our homes. We need neighborhoods where we can let our guards down. He requested denial.

Sonya Greenlee, of 205 Lake Boulevard, said that she has lived in here home since 1978. This will devalue neighboring homes. It will open the way for more commercial zoning, detracting from the residential zoning. The proper place for this is along Airport Boulevard. Loch Arbor has had vandalism, and Lake Boulevard has been used as a freeway. Perhaps this property could become a park, rather than being commercially developed. Please deny this request.

Richard Milde, of 183 Lake Boulevard, has lived there a short time. He is deeply concerned with the change.

David Maxwell, of 100 Loch Arbor Court, already has traffic problems trying to get in and out of his property. He feels the traffic problem in the area is very serious.

Clarence Smith, of 2842 Crofton Way, stated that he had lived in the area for 24 years. He said the area does not need the drug store and does not want the drug store. He asked for recommendation of denial.

Hulon Black, of 105 Forrest Drive, said that he was opposed. He did not see how this could be recommended before CR 46A is completed. Also, impact fees cannot be stipulated for use on a specific project. Lake Boulevard and Sunset Drive have become cut through streets. This project should be tabled until the road is completed.

Leslie Lorman of 400 West Crystal Drive stated that she appreciated the efforts of the developers, but this is not going to be good. She grew up in this secure neighborhood. Now she sees increased traffic, speeding and increased crime in the area. She wanted to buy away from commercialization, not near it. There is an elementary school in the area, with school children walking. There is much wildlife here. CR 417 has increased traffic. We do not require any more shops. She does not want stop signs and speed bumps.

Ken Wright, speaking in rebuttal, said that the anecdotal stories and fears of the previous speakers are not going to happen. Staff has reviewed the request. This is no different than any number of other neighborhood shopping areas. Stormwater calculations indicate that the site will hold the stormwater within the boundaries of the site. Mr. Wright said that three months is more than enough time to respond to the request. Staff recommendation is based on the Land Development Code and Comprehensive Plan. This does not promote sprawl. He cannot address the concern that a drugstore in a neighborhood will promote crime. Dr. Hardwick has owned his property for years and made a legitimate application to rezone his property according to the rules. The Land Development Code has been complied with. The earnest wishes of the neighbors may not be complied with. This is not a referendum on this request.

Following a short break Commissioner Dorworth asked Mr. Wright to indicate on the map the location of the 135,000 square foot commercial development slated to be put in by Zimmer Development. Mr. Wright indicated a parcel immediately to the east across Casa Verde Boulevard. A Kash and Karry will be put there with C-1 zoning.

At the Chairman's request, Mr. Matthews explained the public notice procedure for this case. The property must be placarded; a legal ad is run in the Orlando

Sentinel; and the local homeowners were notified by mail. All of these things were done in this case.

Commissioner Tucker asked Mr. Matthews and Mr. West about the realignment of Lake Boulevard.

Mr. West stated that Glatting Jackson had been retained to study what could be done with the remaining property [*a parcel west of Lake Boulevard*] after the road was realigned.

Commissioner Tucker asked Mr. White if he was informed about the road. Mr. White indicated that there was to be a retention pond slated to take 3 acres. Signals were discussed. Making roads into cul-de-sacs had been discussed.

Commissioner Bates stated that after taking into account all of the presentations he had to consider if the project would be for the betterment of the area and County. He cannot see that this project is for the betterment of the area or County.

Commissioner Bates made a motion to recommend denial of the request.

The motion died without a second.

Commissioner Tucker stated that he cannot support the request. Mr. Tucker stated that he could not, as Chairman, second the motion, even though he supported it.

Commissioner Dorworth said that he sees two commercial developments in the area. He holds the Staff in highest regard in its judgments. Commissioner Dorworth made a motion to approve.

Commissioner Peltz seconded the motion.

The motion passed by a vote of 3 to 2. Commissioner Tucker and Commissioner Bates voted "no."

H. Wilshire Townhomes; Thomas Daly/Daly Design Group, applicant; Small Scale Land Use Amendment from Commercial to Planned Development (PD) for 6.61 acres located on the south side of Wilshire Boulevard, approximately ¼ mile west of Semoran Boulevard.

(10-03SS.01)

Commissioner Henley – District 4

Jeff Hopper, Senior Planner

Mr. Hopper introduced the small scale land use amendment on the 6.6 acre site. Mr. Hopper explained that this does not represent a change in the previous

project presented earlier in the year. This 6 acre part of the townhome site was designated Commercial and needed to be changed to PD in order to be used for residential purposes. This change was brought about by a ruling by the State of Florida concerning the density and land use as passed by Seminole County. The proposal in terms of what will be there has not changed, Mr. Hopper explained. The County is just approaching it in another way to avoid a large scale land use amendment. Staff recommendation is for approval.

The applicant did not make a presentation.

There were no questions from the floor.

The public hearing was now closed.

Commissioner Hattaway made a motion to recommend approval of the request, as per the Staff report.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent.

I. Hickman Circle Rezone; Donald J. Hachenberger, applicant; Rezone from M-1A (Very Light Industrial Zone) to M-1 (Industrial Zone); on approximately 6.9 acres located adjacent to the east side of I-4 north of SR 46, on the west side of Hickman Circle ¼ mile north of Hickman Drive. (Z2003-037)
Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Mr. Hopper explained that this zoning will allow the applicant a broader use of his land. Up to two of the four lots will be used for outdoor storage of utility trailers. Staff recommends approval of the request.

Don Hackenberger, applicant, had no comments.

Commissioner Hattaway made a motion to approve the request.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent.

J. Countywide Lighting Ordinance; Changes to Seminole County's Lighting Ordinance as recommended by County staff.
Countywide
Francisco Torregrosa, Planner

Mr. Torregrosa stated that this ordinance came about due to concerns of the Board of County Commissioners for excessive light levels at gas stations. Areas addressed were expanded to cover other areas. This ordinance has been reviewed by the Development Advisory Board and the Sustainable Communities Advisory Council. Staff recommends approval.

Commissioner Bates made a motion to recommend approval.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent.

K. Arbor Ordinance Amendment; Changes to Arbor Ordinance as recommended by County staff.

Countywide

Francisco Torregrosa, Planner

Mr. Torregrosa stated that the Board of County Commissioners had requested a revision of the Arbor Ordinance in order to more effectively address the needs for enforcement and tree protection in the County. The modifications include clarification of agricultural exceptions and clarification of when trees may be removed without permits. The draft ordinance has been reviewed by several outside groups including the Agricultural Advisory Committee, the Development Advisory Board and the Sustainable Communities Advisory Council. Staff recommends approval.

Commissioner Hattaway stated that she objected to the creation of the Arbor Violation Trust Fund. She is against creating more government bureaucracy in this manner. The money can go into the general fund. Who will administer the money? Will there be staff needed for this? Also on page 3, number 9: an aggrieved party should have standing. "Aggrieved parties" should have further definition. The Commissioner also stated that on page 6 she would like to add a number 3 to address the problem of deep "V" cuts being put in mature canopy trees by utility companies. She would like it to read: No deep "V" cuts are to be put into mature canopy trees. This practice is unattractive and dangerous. The trees might as well be removed. This should be applied to anyone, not just utility companies. Also, the appeals process on page 11 should be 75 days in total for the entire process.

Mr. Torregrosa explained that the appeals will go immediately to the BCC.

Commissioner Hattaway also stated that on page 14 the girth of 3 inches should be changed to 6 inches. Also, the Commissioner said that 400 trees are an excessive amount of trees to be planted on one acre of land for restoration.

Mr. Torregrosa explained that the number had been established by the St. John's River Water Management district. The number allowed for the mortality of trees. Not all were expected to live and thrive. Some trees are shaded out. Some become canopy.

Commissioner Peltz stated that on page 40 the language stated that the maximum number of trees per acre was not to exceed 400 trees per acre. Commissioner Hattaway also stated that on page 17, pertaining to permit expiration, the period should be 12 months instead of 6.

Commissioner Bates asked about the source of changes in the species of trees on the nuisance/exotic trees list.

Mr. Torregrosa said that the trees were in alphabetical order and that the list was taken from the Nuisance Exotic Plant List Council from the Florida Exotic Pest Plant Council's list of invasive species. There are 2 basic categories: those that are know to be invasive and those with the potential to be nuisance trees.

Commissioner Hattaway made a motion to recommend approval of the request with the amendments noted above.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent.

Prior to adjournment, Mr. West asked for clarification on the Casa Verde Rezone motion to approve. Was it according to Staff recommendations?

Commissioner Dorworth and Commissioner Tucker said that it was according to Staff recommendations.

There being no further business, the meeting was adjourned by unanimous consent at 10:20 P.M.